

DOCUMENT RESUME

02803 - [A1932981]

[Subsistence Expenses at Headquarters]. B-164031(1). 168. July 6, 1977. 2 pp.

Decision re: Office of Education; by Robert P. Keller, Deputy Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation (305).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel Management (805).

Authority: F.T.R. (FPMR 101-7), para. 1-7.6a. F.T.R. (FPMR 101-7), para. 1-8.1. B-180806 (1974). B185885 (1976). B-176440 (1972).

Edward T. York, Jr., Deputy Commissioner for Management of the Office of Education, requested a decision regarding whether employees of the Office of Education could be reimbursed for subsistence expenses which they incurred at their headquarters. Office of Education employees who attend work sessions at their headquarters may not be paid subsistence or per diem since Federal regulations prohibit such payments. (Author/SC)

*Mr. Hander  
Civ. Serv.*

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02883  
DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-164031(1).173

DATE: July 6, 1977

MATTER OF: Office of Education - subsistence expenses  
at headquarters

DIGEST: Office of Education employees who attend work sessions at their headquarters may not be paid subsistence or per diem even though required to work overtime due to heavy volume of matters and short time frame since FTR para. 1-7.6a prohibits payment of per diem to Government employees at their headquarters if place of abode from which they commute daily to their headquarters.

By a letter dated April 19, 1977, Mr. Edward F. York, Jr., Deputy Commissioner for Management of the Office of Education, Department of Health, Education and Welfare, has requested our decision regarding whether employees of the Office of Education may be reimbursed for subsistence expenses which they incur at their headquarters.

Mr. York states that periodically, the Office of Education conducts work sessions in Washington, D.C. to review proposals incident to the awarding of grants for educational projects. These work sessions are held in hotels in the metropolitan Washington, D.C. area and are attended by personnel stationed in Washington, D.C. and by persons located in other areas of the country. In this situation, the Office of Education personnel who are headquartered in Washington, D.C. are required to be present throughout the sessions, due to their expertise in reviewing projects for grant awards. Mr. York states that since the employees must consider a heavy volume of matters in a very restricted time frame, they work more than 8 hours per day, incurring additional expenses for subsistence and, on occasion, for lodgings.

Although Mr. York notes that decisions of this Office have consistently denied subsistence or per diem to Government employees at their headquarters, it is his view that an exception may be created in the case of the Office of Education based upon the stringent time frame in which the work sessions must be accomplished. Accordingly, our review of this situation has been requested to ascertain whether the Federal employees involved may be paid subsistence or per diem in reduced amounts.

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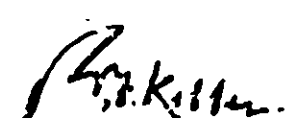
B-164031(1).168

As noted in the submission, this Office has consistently held that in the absence of specific statutory authority, the Government may not pay subsistence expenses or per diem to civilian employees at their headquarters, regardless of any unusual working conditions involved. Matter of National Credit Union Administration, B-180806, August 21, 1974. These decisions are predicated on paragraph 1-7.6a of the Federal Travel Regulations (FPMR 101-7, May 1973) which provides, in pertinent part:

"No allowance at permanent duty station. Per diem in lieu of subsistence may not be allowed an employee either at his permanent duty station or at his place of abode from which he commutes daily to his official station. \* \* \*"

Similarly, FTR paragraph 1-8.1 (May 19, 1975) provides that reimbursement of actual subsistence expenses "is normally contingent upon the entitlement to per diem (Ch. 1, Pt. 7) and the determination that the authorized maximum per diem allowance would be inadequate to cover the actual and necessary expenses of the traveler." Matter of Richard Washington, B-185885, November 8, 1976. Thus, in National Credit Union, we considered a situation almost identical to that presented in the present case, and, based upon the applicable laws and regulations, concluded that payment of subsistence or per diem was not authorized. See also B-176440, August 10, 1972.

In view of the above authorities, and since we are not aware of any law which would permit reimbursement of expenses under the conditions presented in the submission, there is no basis upon which payment of subsistence or per diem may be made to employees of the Office of Education for duty performed at their official station or place of abode from which they commute daily to their headquarters.

  
Deputy Comptroller General  
of the United States